

1 HANSON BRIDGETT LLP
KURT A. FRANKLIN, SBN 172715
2 kfranklin@hansonbridgett.com
LISA M. POOLEY, SBN 168737
3 lpooley@hansonbridgett.com
SAMANTHA WOLFF, SBN 240280
4 swolff@hansonbridgett.com
425 Market Street, 26th Floor
5 San Francisco, California 94105
Telephone: (415) 777-3200
6 Facsimile: (415) 541-9366

7 HANSON BRIDGETT LLP
TYSON M. SHOWER, SBN 190375
8 tshower@hansonbridgett.com
LONDON D. BAILEY, SBN 240236
9 lbailey@hansonbridgett.com
500 Capitol Mall, Suite 1500
10 Sacramento, California 95814
Telephone: (916) 442-3333
11 Facsimile: (916) 442-2348

12 OTTEN LAW, PC
VICTOR OTTEN, SBN 165800
13 vic@ottenlawpc.com
KAVITA TEKCHANDANI, SBN 234873
14 kavita@ottenlawpc.com
3620 Pacific Coast Highway, #100
15 Torrance, California 90505
Telephone: (310) 378-8533
16 Facsimile: (310) 347-4225

17 Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
18 REED, and COASTAL PROTECTION
RANGERS, INC.
19

20 **UNITED STATES DISTRICT COURT**
21 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**
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23 CORY SPENCER, an individual;
24 DIANA MILENA REED, an
individual; and COASTAL
25 PROTECTION RANGERS, INC., a
26 California non-profit public benefit
corporation,
27

28 Plaintiffs,

CASE NO. 2:16-cv-02129-SJO (RAOx)

**PLAINTIFFS' STATEMENT OF
GENUINE DISPUTES OF MATERIAL
FACT IN OPPOSITION TO
DEFENDANT SANG LEE'S MOTION
FOR SUMMARY JUDGMENT OR, IN
THE ALTERNATIVE, SUMMARY
ADJUDICATION**

Case No. 2:16-cv-02129-SJO (RAOx)

PLTFS.' STMT. OF GENUINE DISPUTES OF MATERIAL FACT IN OPP. TO DEFT. SANG LEE MOT. FOR
SUMM. JUDGMENT OR, IN THE ALT., SUMM. ADJUD.

1 v.
 2 LUNADA BAY BOYS; THE
 3 INDIVIDUAL MEMBERS OF THE
 4 LUNADA BAY BOYS, including but
 5 not limited to SANG LEE, BRANT
 6 BLAKEMAN, ALAN JOHNSTON
 7 AKA JALIAN JOHNSTON,
 8 MICHAEL RAE PAPAYANS,
 9 ANGELO FERRARA, FRANK
 10 FERRARA, CHARLIE FERRARA,
 11 and N. F.; CITY OF PALOS VERDES
 12 ESTATES; CHIEF OF POLICE JEFF
 13 KEPLEY, in his representative
 14 capacity; and DOES 1-10,
 15
 16 Defendants.

Judge: Hon. S. James Otero
 Date: September 5, 2017
 Time: 10:00 a.m.
 Crtrm.: 10C

Complaint Filed: March 29, 2016
 Trial Date: November 7, 2017

13 Plaintiffs Cory Spencer, Diana Milena Reed, and Coastal Protection Rangers,
 14 Inc. ("Plaintiffs") hereby respectfully submit the following Statement of Genuine
 15 Disputes of Material Fact in Opposition to Defendant SANG LEE's ("Defendant")
 16 Motion for Partial Summary Judgment.

Defendant's Statement of Uncontroverted Facts and Evidence in Support	Plaintiffs' Response in Opposition
19 1. Before January 2016, Cory 20 Spencer ("Spencer") visited Lunada 21 Bay on at least eight to ten occasions. 22 23 October 11, 2016 Deposition of Plaintiff 24 Cory Eldon Spencer ("Spencer 25 Deposition") 59: 9-12; 64: 13-25; 65: 1-8.	19 1. Undisputed, to the extent 20 "visited" refers to brief stops on the 21 bluff top.
26 2. Since January 29, 2016, Spencer 27 has visited Lunada Bay on at least three 28 to five occasions.	26 2. Undisputed, to the extent 27 "visited" refers stops on the bluff top 28 only to watch the cars of other

<p>1 Defendant's Statement of 2 Uncontroverted Facts and Evidence 3 in Support</p>	<p>Plaintiffs' Response in Opposition</p>
<p>4 Spencer Deposition 170:9-21.</p>	<p>outsiders, for a Coastal Protection Rangers' event on Martin Luther King Day, or meeting with news correspondents to discuss the topic of illegal exclusivity in Lunada Bay.</p>
<p>8 3. Spencer has only seen Lee on one 9 occasion. 10 11 Spencer Deposition 307: 11-14.</p>	<p>3. Disputed in part. The asserted fact misstates the cited evidence. Plaintiff Spencer testified that he has only seen Defendant Lee in person one time, but has seen Defendant Lee on video many times since January 29, 2016. (Lutz Dec., Ex. A. 318:2-5).</p>
<p>15 4. During a visit to Lunada Bay on 16 January 29, 2016, Spencer saw Lee 17 communicating with Christopher Taloa. 18 19 Spencer Deposition 121:18-25; 122; 20 123; 124: 1-22.</p>	<p>4. Undisputed.</p>
<p>21 5. Lee has never spoken to Spencer. 22 23 Spencer Deposition 308: 11-12.</p>	<p>5. Disputed. The asserted fact misstates the cited evidence. Plaintiff Spencer testified that he has never spoken to Lee. Additionally, Plaintiff Spencer testified that he was within three to five feet of Defendant Lee when he heard Lee verbally harassing Chris Taloa for an estimated ten</p>

<p>1 Defendant's Statement of 2 Uncontroverted Facts and Evidence 3 in Support</p>	<p>Plaintiffs' Response in Opposition</p>
	<p>minutes. (Lutz Dec., Ex. A., 318:6-14; 310:1-312:12).</p>
<p>5 6. Lee never threatened Spencer. 6 7 Spencer Deposition 308: 13-14 8 9 10 11 12 13 14 15 16 17</p>	<p>6. Disputed. The asserted fact misstate the cited evidence. Additionally, Plaintiff Spencer testified that he did not know if Lee had been part of a group effort to threaten and hassle him. (Lutz Dec., Ex. A., 308:13-309:3; 312:13-17). Additionally, Sang Lee is a member of the Bay Boys' conspiracy. See Plaintiffs' Statement of Additional Material Facts In Opposition to Individual Defendants' Motions for Summary Judgment.</p>
<p>18 7. Lee has never made any physical 19 contact with Spencer. 20 21 Spencer Deposition 309: 4-9. 22 23</p>	<p>7. Disputed in Part. Sang Lee is a member of the Bay Boys' conspiracy. See Plaintiffs' Statement of Additional Material Facts In Opposition to Individual Defendants' Motions for Summary Judgment.</p>
<p>24 8. Spencer has never seen Lee injure 25 anyone at Lunada Bay or engage in the 26 destruction of anyone's property. 27 28</p>	<p>8. Disputed in Part. Sang Lee is a member of the Bay Boys' conspiracy. See Plaintiffs' Statement of Additional Material Facts In Opposition to</p>

<p>1 Defendant's Statement of 2 Uncontroverted Facts and Evidence 3 in Support</p>	<p>Plaintiffs' Response in Opposition</p>
<p>3 Spencer Deposition 313:6-14.</p>	<p>Individual Defendants' Motions for Summary Judgment.</p>
<p>5 9. Plaintiff Diana Milena Reed 6 ("Reed") has visited Lunada Bay on at 7 least four occasions- January 6, 2016, 8 January 29, 2016; February 5, 2016; and 9 February 13, 2016. 10 11 October 24, 2016 Deposition of Diana 12 Milena Reed, 105: 13-15; 103: 19-25; 13 104: 1-9; 146: 11-15; 156: 23-25; 157: 1-5.</p>	<p>9. Undisputed, to the extent "visited" does not include time in the submerged tidelands or surfing.</p>
<p>14 10. Reed has never had any 15 interaction with Lee and did not see him 16 during any of her visits to Lunada Bay. 17 18 October 25, 2016 Deposition of Diana Milena Reed, 366: 23-25; 367: 1-18.</p>	<p>10. Disputed. The asserted fact misstates the cited evidence. Plaintiff Reed testified that she did not recall if she had any personal interaction with Defendant Lee and did not see him at Lunada Bay in February 2016, only. (Lutz Dec., Ex. C., 366:23-367:18). Further, Sang Lee is a member of the Bay Boys' conspiracy. See Plaintiffs' Statement of Additional Material Facts In Opposition to Individual Defendants' Motions for Summary Judgment.</p>

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1 DATED: August 7, 2017

HANSON BRIDGETT LLP

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By: /s/ Samantha Wolff
KURT A. FRANKLIN
LISA M. POOLEY
SAMANTHA D. WOLFF
TYSON M. SHOWER
LANDON D. BAILEY
Attorneys for Plaintiffs
CORY SPENCER, DIANA MILENA
REED, and COASTAL PROTECTION
RANGERS, INC.